

1
2
3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 DENNIS MYERS,

8 Plaintiff,

9 v.

10 DEPUTY LOPEZ, et al.,

11 Defendants.

Case No. 3:16-CV-0491-RCJ (VPC)

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

12
13 This Report and Recommendation is made to the Honorable Robert C. Jones, United States
14 District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C.
15 § 636(b)(1)(B) and the Local Rules of Practice IB 1-4. For the reason set forth below, it is
16 recommended that defendant Deputy Sheriff Gonzales be dismissed.

17 On August 22, 2017, plaintiff submitted a motion to voluntarily dismiss Deputy Sheriff
18 Gonzales from this action (ECF No. 23). This defendant has not been served with process and is
19 currently deployed on military duty overseas.

20 Based upon the foregoing, the undersigned magistrate judge recommends that the motion
21 to dismiss this defendant (ECF No. 23) be **GRANTED** and Deputy Sheriff Gonzales be dismissed
22 without prejudice.

23 The parties are advised:

24 1. Pursuant to 28 U.S.C § 636(b)(1)(C) and Rule IB 3-2 of the Local Rules of Practice,
25 the parties may file specific written objections to this report and recommendation within fourteen
26 days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and
27 Recommendation" and should be accompanied by points and authorities for consideration by the
28

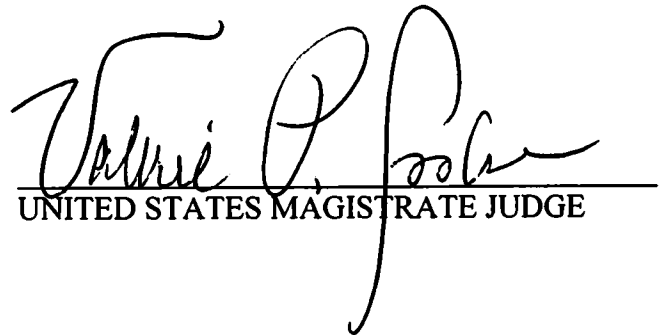
1 District Court.

2
3 2. This report and recommendation is not an appealable order and any notice of appeal
4 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

5 **RECOMMENDATION**

6 For the reason stated above, the undersigned Magistrate Judge recommends that the District
7 Court enter an order **GRANTING** the motion to dismiss Deputy Sheriff Gonzales (ECF No. 23)
8 without prejudice.

9 DATED: August 28, 2017.

10 
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28